

REMARKS

Claims 2 and 8 are independent and stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Anderson '137 ("Anderson") in view of Finelli '676 ("Finelli"). This rejection is respectfully traversed for the following reasons

The Examiner admits that Anderson does not disclose or suggest the image being transferred from the image memory to the storage medium while the image is presented by the display. The Examiner therefore relies on col. 6 of Finelli as allegedly disclosing this feature and thereby modifies Anderson in an attempt to reach the claimed invention. However, it is respectfully submitted that Finelli is completely silent as to the aforementioned feature.

Finelli discloses only a conventional storage-to-display processing sequence. Finelli is completely silent as to displaying the image while the image data ("electronic image information signals") is being transferred to the storage device 80. In this regard, Finelli discloses only a conventional processing path for storing captured image data (col. 6, lines 2-8):

Thus, the processed, digitally formatted, and compressed electronic image information signals provided from the electronic imaging camera 12 by way of the interface 108 may be directed by way of another interface 112 in the printer housing 44 for storage in the storage device 80.

Indeed, Finelli is completely silent as to an "image memory," much less suggest image data being transferred from the "image memory" to the alleged storage medium 80 *while* the image is presented by the display. Finelli simply discloses storing the captured image data in the alleged storage medium 80 and subsequently displaying the image, but does not suggest displaying the image *while the image data is being transferred* to the alleged storage medium 80.

The Examiner asserts that in Finelli the "sensed image is displayed on the LCD when the image is stored in the storage device" (page 3, lines 18-19 of outstanding Office Action).

However, this assertion describes only a conventional manner for displaying image data *already*

stored in a memory, and is completely unrelated to displaying image data that is concurrently being *transferred* from an “image memory” to the storage device 80. In this regard, Finelli discloses only (col. 6, lines 35 -42):

When the electronic image information signals are stored in the storage device 80, they may be continuously recalled by way of the uncompression circuit 114, image enhancement circuit 116 and LCD control circuit 128 to continuously refresh the LCD 62 and provide a continuing still image of the scene previously sensed by the camera 12 and stored in the storage device 80.

Accordingly, Finelli is directed to displaying image data already stored in the storage device 80 by continuously recalling the image data from the storage device 80. This is a conventional manner by which to display stored images. Finelli does not disclose displaying the image data *while its being transferred* to the storage device 80 from an “image memory” (as mentioned above, the image memory is not even described in Finelli).

According to one aspect of the present invention, it can be made possible for users to check images captured consecutively (e.g., images obtained by continuous shooting) without waiting for completion of the transfer of image data to the storage medium (e.g., images can be checked in an amount of time similar to single frame shooting). Only Applicants have recognized and considered the aforementioned effects, and conceived of a novel and non-obvious means by which to realize said effects. The cited prior art is silent as to such effects and provides no motivation, suggestion nor enablement, for reaching the claimed invention and is at best cumulative to the conventional display of an image from already stored image data in a storage device.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 2 and 8 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 2 and 8 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

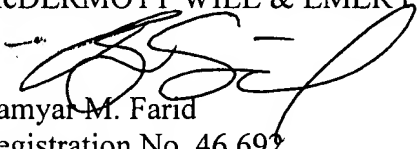
Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 09/963,551

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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